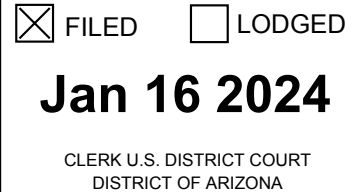


United States District Court
for
District of Arizona



U. S. A. vs. Amged Kamal Ahmed El Zubair
Docket No. 2:23-cr-00471-SMB-1
AUSA: Matthew Donovan Doyle
Defense Attorney: William Michael Atkins

T-SEALED

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

COMES NOW WADE AUSTIN, PRETRIAL SERVICES OFFICER, of the Court presenting an official report upon the conduct and attitude of releasee: Amged Kamal Ahmed El Zubair, who was released by the Honorable Eileen S. Willet sitting in the Court at Phoenix, on the 8th day of March, 2023, who fixed bail at personal recognizance and imposed the general terms and conditions of bail release adopted by the Court and also imposed special conditions as follows:

PLEASE REFER TO THE ORDER SETTING CONDITIONS OF RELEASE

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

ALLEGED VIOLATION:

1) The defendant shall not use or possess a narcotic drug or other controlled substance (as defined by 21 U.S.C. § 802) unless prescribed for the defendant by a licensed medical practitioner; this provision does not permit the use or possession of medicinal marijuana even with a physician's written certification. The defendant shall not possess, ingest, or otherwise use a synthetic cannabinoid or synthetic narcotic. The defendant shall participate in drug treatment and submit to drug testing and make copayment toward the cost of such services, as directed by Pretrial Services. The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any substance use testing or monitoring.

On December 21, 2023, the defendant provided a urine specimen which was confirmed positive for marijuana.

On January 8, 2024, the defendant admitted to using marijuana at a New Years party on or about January 1, 2024.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED.

In conformance with the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the defendant has violated conditions of release, I am petitioning the Court to issue a warrant.

Page 2

RE: Amged Kamal Ahmed El Zubair

January 12, 2024

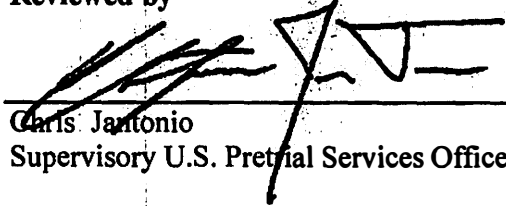


Wade Austin
U.S. Pretrial Services Officer

January 12, 2024

Date

Reviewed by



Chris Jantonio
Supervisory U.S. Pretrial Services Officer

January 12, 2024

Date

ORDER OF COURT

I find there is probable cause to believe the defendant has violated conditions of release, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 16th day of January, 2024, and ordered filed and made a part of the records in the above case.



The Honorable SUSAN M. BRNOVICH
U.S. District Judge

cc: PTS

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
v.

Case No. CR-23-00471-001-PHX-SMB

SEALED

Amged Kamal Ahmed El Zubair
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States Magistrate Judge without unnecessary delay
(name of person to be arrested) Amged Kamal Ahmed El Zubair,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☒ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18:3142: Violation of Pretrial Release



Elaine Garcia
Issuing officer's signature

City and state: Phoenix, Arizona

ISSUED ON 10:57 am, Jan 16, 2024
s/ Debra D. Lucas, Clerk

Elaine Garcia, Deputy Clerk
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

cc: PTS

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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:23-cr-00471-SMB-1**

Case title: USA v. el Zubair

Date Filed: 03/28/2023

Magistrate judge case number: 2:23-mj-05100-DMF

Date Terminated: 12/04/2023

Assigned to: Judge Susan M Brnovich

Appeals court case number: 23-4147 Ninth
Circuit**Defendant (1)****Amged Kamal Ahmed El Zubair***TERMINATED: 12/04/2023**also known as***Amged Kamal Ahmed el Zubair***TERMINATED: 12/04/2023*

represented by **William Michael Atkins**
Atkins Law Group PLLC
1921 S Alma School Rd., Ste. 112
Mesa, AZ 85210
480-284-8199
Fax: 480-248-2160
Email: michael@atkinslawgrp.com
TERMINATED: 01/08/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts8:1324(a)(1)(A)(ii) and (a)(1)(B)(ii) -
Transportation of an Illegal Alien
(1s)**Disposition**Defendant committed to the custody of the
Bureau of Prisons for a term of SIX (6)
MONTHS, with credit for time served;
followed by supervised release for a term of
THREE (3) YEARS. Special Assessment:
\$100.**Highest Offense Level (Opening)**

Felony

Terminated Counts8:1324(a)(1)(A)(ii) and (a)(1)(B)(i) -
Transportation of an Illegal Alien for Profit
(1)**Disposition**

Dismissed.

Highest Offense Level (Terminated)

Felony

Complaints

8:1324(a)(1)(A)(ii) Transportation of Illegal Aliens

Disposition

Material Witness

Material Witnesses

TERMINATED: 03/29/2023

represented by **Karina Janine Ordonez**
Karina Ordonez Law Office PLLC
2642 E Thomas Rd.
Phoenix, AZ 85016
480-729-4119
Fax: 602-296-0460
Email: karina@karinaordonez.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Plaintiff

USA

represented by **Matthew Donovan Doyle**
US Attorneys Office - Phoenix - Southwest Border Division
2 Renaissance Square
40 N Central Ave., Ste. 1800
Phoenix, AZ 85004
602-514-7679
Email: matthew.doyle@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/02/2023		Arrest of Amged Kamal Ahmed el Zubair on 3/2/2023. (SST) [2:23-mj-05100-DMF] (Entered: 03/06/2023)
03/03/2023	<u>1</u>	COMPLAINT as to Amged Kamal Ahmed el Zubair. (SST) [2:23-mj-05100-DMF] (Entered: 03/06/2023)
03/03/2023	<u>2</u>	*AFFIDAVIT FOR DETENTION OF MATERIAL WITNESS by USA as to Amged Kamal Ahmed el Zubair signed by Magistrate Judge Deborah M Fine. (SST) *Modified to correct the file date from 3/6/2023 to 3/3/2023; NEF regenerated on 3/6/2023 (SST)(CEI). [2:23-mj-05100-DMF] (Entered: 03/06/2023)
03/06/2023	3	MINUTE ENTRY for proceedings held before Magistrate Judge Eileen S. Willett: Initial Appearance as to Amged Kamal Ahmed el Zubair held on 3/6/2023. DEFENDANT SWORN AS TO FINANCIAL STATUS. CJA Attorney W. Michael Atkins appointed as counsel for the defendant. The Government is seeking detention. Upon request of defense counsel, IT IS ORDERED setting Status Hearings in this matter (see below for dates and times). Counsel for the material witnesses waives the presence of her clients at the Status

		<p>Hearing pertaining to the video depositions. Defendant temporarily detained pending further proceedings.</p> <p>As required by Rule 5(f), the United States is ordered to produce all information required by <i>Brady v. Maryland</i> and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges, and contempt proceedings.</p> <p>Appearances: AUSA Andrew Stone on behalf of AUSA Matthew Doyle for the Government, CJA Attorney W. Michael Atkins for Defendant, and CJA Attorney Karina Ordonez for Material Witnesses. Defendant is present and in custody. Material Witnesses are not present and in custody. Status Hearing re: Detention Hearing set for 3/8/2023 at 1:30 PM in Courtroom 305 before Magistrate Judge Eileen S. Willett, and Status Hearing re: Preliminary Hearing and Material Witness Video Depositions set for 3/16/2023 at 11:00 AM in Courtroom 304 before Magistrate Judge Michael T. Morrissey, 401 West Washington Street, Phoenix, AZ 85003. (Recorded by COURTSMART.) Hearing held 3:10 PM to 3:14 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MRH) [2:23-mj-05100-DMF] (Entered: 03/06/2023)</p>
03/06/2023	5	<p>MINUTE ENTRY for proceedings held before Magistrate Judge Eileen S. Willett: Initial Appearance for Material Witnesses in case as to Amged Kamal Ahmed el Zubair held on 3/6/2023. MATERIAL WITNESSES SWORN AS TO FINANCIAL STATUS. CJA Attorney Karina Ordonez appointed as counsel for the material witnesses. The Court advises the material witnesses of the nature of the proceedings and that they will remain temporarily detained until their depositions can be taken by videotape, if the parties deem necessary. The Government is directed to schedule the video depositions within five (5) working days, but no more than eight (8) working days, from today's date. SPANISH INTERPRETER REQUIRED FOR MATERIAL WITNESSES.</p> <p>Appearances: AUSA Andrew Stone on behalf of AUSA Matthew Doyle for the Government, CJA Attorney Karina Ordonez for Material Witnesses. Material Witnesses are present and in custody. SPANISH Interpreter Luis Del Rio assists Material Witnesses telephonically. (Recorded by COURTSMART.) Hearing held 3:41 PM to 3:46 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MRH) [2:23-mj-05100-DMF] (Entered: 03/06/2023)</p>
03/06/2023	6	<p>ORDER: Pursuant to Rule 5(f) of the Federal Rules of Criminal Procedure, the United States is ordered to disclose in a timely manner all exculpatory evidence to the defendant(s), that is, all evidence that is favorable to the defendant(s) or tends to cast doubt on the United States' case, as required by <i>Brady v. Maryland</i>, 373 U.S. 83 (1963) and its progeny. Failure to comply with this order may result in consequences, including, but not limited to, the reversal of any conviction, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, and/or sanctions by the Court.</p> <p>Ordered by Magistrate Judge Eileen S. Willett. (MRH) (This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) [2:23-mj-05100-DMF] (Entered: 03/06/2023)</p>
03/06/2023	<u>7</u>	<p>MATERIAL WITNESS DETENTION ORDER as to Amged Kamal Ahmed el Zubair. Signed by Magistrate Judge Eileen S. Willett on 3/6/2023. (MRH) [2:23-mj-05100-DMF] (Entered: 03/06/2023)</p>
03/07/2023	<u>8</u>	<p>MOTION Telephonic Appearance re Status Hearing on March 16, 2023 by Material Witnesses as to Amged Kamal Ahmed el Zubair. (Attachments: # <u>1</u> Proposed Order</p>

		Proposed Order)(Ordonez, Karina) [2:23-mj-05100-DMF] (Entered: 03/07/2023)
03/08/2023	10	ORDER granting 8 Motion for Telephonic Appearance by Counsel for Material Witnesses as to Amged Kamal Ahmed el Zubair (1). The Status Hearing re Preliminary Hearing and Material Witness Video Depositions set for March 16, 2023 at 11:00 a.m. is affirmed. Counsel will be contacted using the phone number provided in the Motion. Signed by Magistrate Judge Eileen S Willett on 3/8/2023.(KGM) [2:23-mj-05100-DMF] (Entered: 03/08/2023)
03/08/2023	11	MINUTE ENTRY for proceedings held before Magistrate Judge Eileen S. Willett: Status Hearing re: Detention Hearing as to Amged Kamal Ahmed el Zubair held on 3/8/2023. The Government is no longer seeking detention based upon the verification information provided in the Pretrial Services' Addendum. Defendant ordered released on his personal recognizance with conditions. Conditions of release reviewed on the record with the defendant. The Court advises the defendant that his next appearance date is 3/16/2023 at 11:00 AM for a Status Hearing before Magistrate Judge Morrissey in Courtroom 304. Appearances: AUSA Matthew Doyle for the Government, CJA Attorney W. Michael Atkins for defendant. Defendant is present and in custody. (Recorded by COURTSMART.) Hearing held 1:39 PM to 1:43 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MRH) [2:23-mj-05100-DMF] (Entered: 03/08/2023)
03/08/2023	12	ORDER SETTING CONDITIONS OF RELEASE as to Amged Kamal Ahmed el Zubair. Signed by Magistrate Judge Eileen S. Willett on 3/8/2023. (MRH) [2:23-mj-05100-DMF] (Entered: 03/08/2023)
03/16/2023	13	MINUTE ENTRY for proceedings held before Magistrate Judge Michael T Morrissey: Status Hearing re: Preliminary Hearing and Material Witness Video Depositions as to Amged Kamal Ahmed el Zubair held on 3/16/2023. Material Witnesses' presence previously waived by counsel. The parties file a Stipulation for the Release of Material Witnesses with the Court. SO ORDERED. Material Witness counsel Karina Ordonez is excused. Order to issue. Preliminary Hearing waived. Finding: Defendant held to answer before District Court. Appearances: AUSA Matthew Doyle for the Government, CJA Attorney W Michael Atkins for Defendant, and CJA Attorney Karina Ordonez appearing telephonically for Material Witnesses. Defendant is present and released. Material Witnesses are not present and in custody. (Recorded by COURTSMART.) Hearing held 11:11 AM to 11:13 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KGM) [2:23-mj-05100-DMF] (Entered: 03/16/2023)
03/16/2023	14	STIPULATION and Joint Motion for Release of Material Witnesses by USA as to Amged Kamal Ahmed el Zubair. (KGM) [2:23-mj-05100-DMF] (Entered: 03/16/2023)
03/16/2023	15	ORDER FOR RELEASE OF MATERIAL WITNESSES pursuant to 14 Stipulation as to Amged Kamal Ahmed el Zubair: IT IS ORDERED directing the United States Marshal to release the material witnesses in this action to the Department of Homeland Security for return to their countries of origin. Signed by Magistrate Judge Michael T Morrissey on 3/16/2023.(KGM) [2:23-mj-05100-DMF] (Entered: 03/16/2023)
03/28/2023	16	INDICTMENT (Redacted for Public Disclosure) as to Amged Kamal Ahmed El Zubair (1) count(s) 1. Arraignment set for 4/5/2023 at 11:00 AM in Courtroom 304, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michael T Morrissey. (WLP) (Entered: 03/29/2023)
03/28/2023	17	DOJ CONFLICT MEMO. No probable conflict re Magistrate Judge Camille D Bibles. No probable conflict re Judge Dominic W Lanza. No probable conflict re Magistrate Judge

		Michael T Morrissey. Filed by USA as to Amged Kamal Ahmed El Zubair. (WLP) (Entered: 03/29/2023)
03/28/2023	19	SEALED UNREDACTED INDICTMENT as to Amged Kamal Ahmed El Zubair. (Attachments: # 1 Case Summary) (MAP) (Entered: 03/29/2023)
04/05/2023	20	MINUTE ENTRY for proceedings held before Magistrate Judge Michael T Morrissey: Arraignment as to Amged Kamal Ahmed El Zubair held on 4/5/2023. Defendant waives a formal reading and enters a plea of NOT guilty to all pending counts. Appearances: AUSA David Pimsner for AUSA Matthew Doyle for the Government, CJA Attorney William Atkins for Defendant. Defendant is present and released. Pretrial Motions due within 21 days. Jury Trial set for 5/9/2023 at 09:00 AM in Courtroom 506, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan M Brnovich. (Recorded by COURTSMART.) Hearing held 11:06 AM to 11:08 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NSH) (Entered: 04/05/2023)
04/14/2023	22	NOTICE re: PASSPORT as to Amged Kamal Ahmed El Zubair. Defendant is not permitted to apply for the issuance of a passport and/or passport card during the pendency of this action., NOTICE re SURRENDER of Passport as to Amged Kamal Ahmed El Zubair. Issued by United States. Defendant not permitted to apply for passport/passport card during the pendency of this action. (VE) (Entered: 04/14/2023)
04/24/2023	23	First MOTION to Continue Trial and Extend Time to File Pretrial Motions by Amged Kamal Ahmed El Zubair. (Attachments: # 1 Order)(Atkins, William) (Entered: 04/24/2023)
04/25/2023	24	ORDER granting Defendant's First 23 Motion to Continue Trial and Extend Time to File Pretrial Motions filed as to Amged Kamal Ahmed El Zubair (1). Jury Trial reset for 8/8/2023 at 09:00 AM in Courtroom 506, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan M Brnovich. Motions due by 7/7/2023. Signed by Judge Susan M. Brnovich on 4/25/2023.(ESG) (Entered: 04/25/2023)
07/05/2023	25	Second MOTION to Continue Trial and Extend Time to File Pretrial Motions by Amged Kamal Ahmed El Zubair. (Attachments: # 1 Order)(Atkins, William) (Entered: 07/05/2023)
07/07/2023	26	ORDER granting Defendant's Second 25 Motion to Continue Trial and Extend Time to File Pretrial Motions filed as to Amged Kamal Ahmed El Zubair (1). Jury Trial presently set for 8/8/2023 is RESET for 10/10/2023 at 09:00 AM in Courtroom 506, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan M. Brnovich. Motions due by 9/1/2023. Signed by Judge Susan M. Brnovich on 7/7/2023.(ESG) (Entered: 07/07/2023)
07/12/2023	27	MINUTE ORDER as to Amged Kamal Ahmed El Zubair: This matter is referred to Magistrate Judge Michael T. Morrissey to set a change of plea hearing. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESG) (Entered: 07/12/2023)
07/12/2023	30	CONSENT OF DEFENDANT Amged Kamal Ahmed El Zubair for Guilty Plea Hearing before a United States Magistrate Judge. (RMW) (Entered: 07/12/2023)
07/12/2023	31	LODGED PLEA AGREEMENT as to Amged Kamal Ahmed El Zubair. (RMW) (Entered: 07/12/2023)
07/17/2023	32	The parties having contacted the court, IT IS ORDERED, as to Amged Kamal Ahmed El Zubair, Change of Plea Hearing set for 8/9/2023 at 11:30 AM in Courtroom 304, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michael T Morrissey. Ordered by Magistrate Judge Michael T Morrissey.(SJF)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 07/17/2023)

08/09/2023	34	<p>MINUTE ENTRY for proceedings held on 8/9/2023 before Magistrate Judge Michael T Morrissey: This is the time set for a Change of Plea Hearing as to Amged Kamal Ahmed El Zubair. Defendant is not present. Defense counsel requests for the hearing to be reset. With no objection from the Government, the request is GRANTED as set forth below.</p> <p>Appearances: AUSA Matthew Doyle for the Government, CJA Attorney William Atkins for Defendant. Defendant is not present and released. Change of Plea Hearing set for 9/14/2023 at 11:30 AM in Courtroom 304, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michael T Morrissey. (Recorded by COURTSMART.) Hearing held 11:42 AM to 11:45 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NSH) (Entered: 08/09/2023)</p>
09/14/2023	36	<p>MINUTE ENTRY for proceedings held before Magistrate Judge Michael T Morrissey: Change of Plea Hearing as to Amged Kamal Ahmed El Zubair held on 9/14/2023. Defendant enters a plea of guilty to a lesser included offense as to Count 1s of the Indictment. THE COURT ORDERS the trial date/pending hearings VACATED. Pending motions are rendered moot. Prior release orders are AFFIRMED. The Court directs the US Probation Office to prepare a Presentence Report.</p> <p>Appearances: AUSA Matthew Doyle for the Government, CJA Attorney W. Michael Atkins for Defendant. Defendant is present and released. Sentencing set for 11/27/2023 at 11:00 AM in Courtroom 506, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan M Brnovich. (Recorded by COURTSMART.) Hearing held 11:33 AM to 11:47 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KGM) (Entered: 09/14/2023)</p>
09/14/2023	37	MAGISTRATE JUDGE FINDINGS & RECOMMENDATION UPON A PLEA OF GUILTY AND ORDER as to Amged Kamal Ahmed El Zubair. Signed by Magistrate Judge Michael T Morrissey on 9/14/2023.(KGM) (Entered: 09/14/2023)
09/30/2023	38	NOTICE OF ATTORNEY'S CHANGE OF ADDRESS/FIRM NAME as to William Michael Atkins by Amged Kamal Ahmed El Zubair. (Atkins, William) (Entered: 09/30/2023)
11/01/2023	40	On the Court's own motion, IT IS ORDERED the Sentencing set for 11/27/2023, as to Amged Kamal Ahmed El Zubair, is RESET. Sentencing reset for 12/1/2023 at 01:30 PM in Courtroom 506, 401 West Washington Street, Phoenix, AZ 85003 before Judge Susan M Brnovich. Ordered by Judge Susan M. Brnovich.(ESG)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 11/01/2023)
11/01/2023	41	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by USA as to Amged Kamal Ahmed El Zubair . (Doyle, Matthew) (Entered: 11/01/2023)
12/01/2023	44	<p>MINUTE ENTRY for proceedings held before Judge Susan M Brnovich: Sentencing as to Amged Kamal Ahmed El Zubair held on 12/1/2023. IT IS ORDERED adoption 37 Report and Recommendation on Plea of Guilty. Sentence imposed. Judgment to issue. Prior release orders are AFFIRMED.</p> <p>Appearances: AUSA Matthew Doyle for the Government, CJA Attorney William Atkins for defendant. Defendant is present and released. (Court Reporter Christine Coaly.) Hearing held 1:29 PM to 2:18 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (JAMA) (Entered: 12/01/2023)</p>
12/01/2023	47	PLEA AGREEMENT as to Amged Kamal Ahmed El Zubair. (JAMA) (Entered: 12/04/2023)

12/04/2023	45	JUDGMENT AND COMMITMENT ISSUED as to Amged Kamal Ahmed El Zubair (1), Count 1, Defendant committed to the custody of the Bureau of Prisons for a term of SIX (6) MONTHS, with credit for time served; followed by supervised release for a term of THREE (3) YEARS. Special Assessment: \$100. Defendant is ordered to self-surrender by Noon on 2/1/2024. Signed by Judge Susan M Brnovich on 12/1/2023.(JAMA) (Entered: 12/04/2023)
12/12/2023	48	NOTICE OF APPEAL to 9th Circuit Court of Appeals as to Amged Kamal Ahmed El Zubair re: 45 Judgment and Commitment/of Probation Issued,. (Atkins, William) (Entered: 12/12/2023)
12/13/2023	49	USCA Case Number as to Amged Kamal Ahmed El Zubair re: 48 Notice of Appeal. Case number 23-4147, Ninth Circuit. (BAC) (Entered: 12/15/2023)
01/08/2024	50	ORDER of USCA as to Amged Kamal Ahmed El Zubair re: 48 Notice of Appeal. The motion (Docket Entry No. 3) of appellant's appointed counsel William M Atkins to withdraw as counsel of record and to appoint new counsel is granted. Clerk will electronically serve this order on appointing authority for District of Arizona, who will locate appointed counsel. Appointing authority is requested to send notification of name, address, and telephone number of appointed counsel to the Clerk of this court within 14 days of locating counsel. (See attached PDF for complete information). (BAC) (Entered: 01/09/2024)
01/16/2024	51	NOTICE BY FEDERAL PUBLIC DEFENDER'S OFFICE OF LOCATING APPELLATE COUNSEL as to Amged Kamal Ahmed El Zubair re: 50 USCA Order,, : CJA Attorney Brent Evan Newton assigned effective 1/12/2024. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (Hilzendeger, Keith) (Entered: 01/16/2024)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America

v.

Amged Kamal Ahmed El Zubair

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

No. CR-23-00471-001-PHX-SMB

William Michael Atkins (CJA)

Attorney for Defendant

USM#: 47505-510

ICE# A078804160

THE DEFENDANT ENTERED A PLEA OF guilty on 9/14/2023 to Count 1 of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, U.S.C. §1324(a)(1)(A)(ii) and (a)(1)(B)(ii), Transportation of an Illegal Alien - a Lesser Included Offense, a Class D Felony offense, as charged in Count 1 of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is committed to the custody of the Bureau of Prisons for a term of **SIX (6) MONTHS**, with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS**.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$100.00 FINE: WAIVED RESTITUTION: N/A

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

The defendant shall pay a special assessment of \$100.00 which shall be due immediately.

The defendant shall pay a total of \$100.00 in criminal monetary penalties, due immediately. Having assessed the defendant's ability to pay, payments of the total criminal monetary penalties are due as follows: Balance is due in equal monthly installments of \$25.00 over a period of 4 months to commence 60 days after release from custody.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count 1 of the Indictment.

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USA vs. Amged Kamal Ahmed El Zubair

Page 2 of 4

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, (10) costs, including cost of prosecution and court costs.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

SUPERVISED RELEASE

It is ordered that while on supervised release, the defendant must comply with the mandatory and standard conditions of supervision as adopted by this court, in General Order 17-18, which incorporates the requirements of USSG §§ 5B1.3 and 5D1.2. Of particular importance, the defendant must not commit another federal, state, or local crime during the term of supervision. Within 72 hours of sentencing or release from the custody of the Bureau of Prisons the defendant must report in person to the Probation Office in the district to which the defendant is released. The defendant must comply with the following conditions:

MANDATORY CONDITIONS

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.
- 3) You must refrain from any unlawful use of a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.

STANDARD CONDITIONS

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of sentencing or your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

SPECIAL CONDITIONS

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

- 1) You must cooperate in the collection of DNA as directed by the probation officer.
- 2) You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.
- 3) You must not use or possess alcohol or alcoholic beverages.

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- 4) You must submit to substance abuse testing. You must not attempt to obstruct or tamper with the testing methods. You must contribute to the cost of testing in an amount to be determined by the probation officer methods.

THE COURT FINDS that you have been sentenced in accordance with the terms of the plea agreement and that you have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

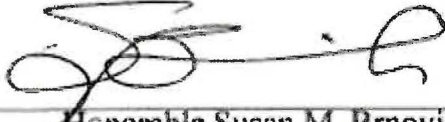
The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

The Court orders commitment to the custody of the Bureau of Prisons.

The defendant shall self-surrender for service of sentence at the institution designated by the Bureau of Prisons or to the United States Marshal Office, by Noon on 2/1/2024.

Date of Imposition of Sentence: **Friday, December 01, 2023**

Dated this 1st day of December, 2023.



Honorable Susan M. Brnovich
United States District Judge

RETURN

I have executed this Judgment as follows:

defendant delivered on _____ to _____ at _____, the institution
designated by the Bureau of Prisons with a certified copy of this judgment in a Criminal case.

United States Marshal

By:

Deputy Marshal